

Amendment No. 1 to SB2178

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 2178

House Bill No. 2029*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 39-14-408, is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following:

(b) A person commits the offense of vandalism who knowingly organizes, coordinates, controls, supervises, finances, or manages another to commit an act of vandalism in violation of subsection (a).

(c) A person commits aggravated vandalism who knowingly engages in conduct that violates subsection (a) or (b) and, during the course of that conduct, pollutes the real or personal property of another or any entity included in subsection (a).

(d) For the purposes of this section:

(1) "Damage" includes, but is not limited to:

(A) Destroying or contaminating property; or

(B) Tampering with property and causing pecuniary loss or substantial inconvenience to the owner or a third person.

(2) "Owner" includes a person who legally possesses or owns property;

and

(3) "Polluting" is the contamination by manmade or man-induced alteration of the chemical, physical, biological or radiological integrity of the atmosphere, water, or soil to the material injury of the right of another. Pollutants include dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials,

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heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste.

(e)

(1) Vandalism under subsection (a) or (b) is to be valued according to the provisions of § 39-11-106(a)(36) and punished as theft under §39-14-105.

(2) Aggravated vandalism is a Class C felony, and the owner of the property vandalized shall be entitled to restitution for the purpose of restoring such property.

SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.